19 48-49 **File No.** 9963/36-I

B CLASS

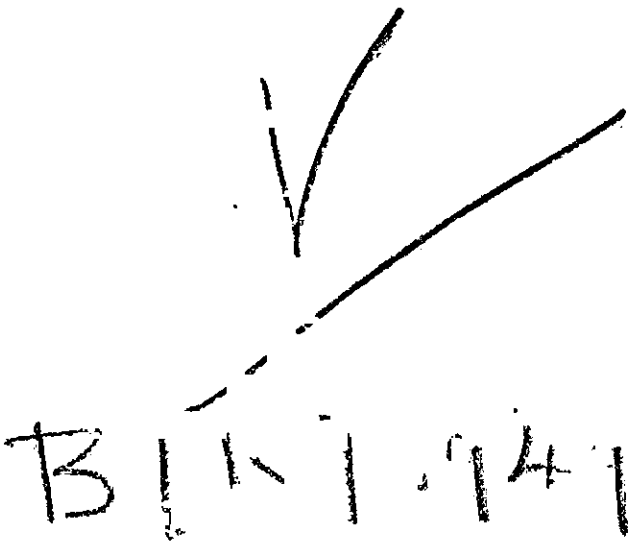
P.W. DEPARTMENT
E. BRANCH II

Subject:— Resignations

Temporary Mysorian Overseers

employed in special Investigation Circle

Policy in respect of—



E. Br. II.

File No. 9963/36.I

Std. Sectt. 78A e.

G.R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 9963/36-I

P.W. DEPT.

E BRANCH. I

References :— Copies from the main file B-[M]

Date.	To whom sent.	Notes and instructions.

9963/36.
56564.

E.B.(II). P.W.D.

Submitted for information.

2. In view of the recruitment difficulties of techl. staff and particularly of Overseers, it is for consideration whether a general relaxation may be allowed in the case of overseers in respect of rule 4 of the B.C. S.C. & Recruitment rules. So far as domicile is concerned.

If so then papers may be retd. u.o. to the P. & S.D. and the F.D.

Id/-
18/10/48.

There is no question about the fact of serious shortage of overseers and there are no signs of the situation improving in the near future. Though the S.E. S. C. has not said in so many words, he apparently wants to suggest, that the domicile rule should be relaxed for sometime. (In fact he spoke to me about this some true back.). In other words we should tell there Mysorean and any other tempy. Overseers, who are in Secre at present, that they will be considered eligible for permanent Overseers or tempy. Dy. Engr's posts in the furture. If Secy's agree, it is suggested that the S.E. may be first informed that this question is under consideration and then the papers may be referred to the P.&S.D. and F.D. and thereafter to Govt. for orders.

Id/-
21/10

I agree that in view of the acute shortage of overseers, we must agree to the relaxation of the Domicile rule for the next two or three years. Secy (1) Secy(F.& B).

Id/-
21/10/48.

I agree for a couple of years.

Id/-
21/10/48.

U.O. to P. & S.D. and F.D. dated 22-10-48.

P. & S.D.

The influx of refugees in this Province does not ee to have used case the recruitment situation in respect of Engineering posts. In the curent rules stated in the foregoing P.W.D. notes, P.& S.D. may not perhaps objection to the relaxation of domicile requirement for recruitment to posts of overseers for a period of two years. When subjects of states other than those mentioned in G.N. P.&S. P.W.D., No.1955/34, dated the 12-1-42 are to the appointed permanently a declaration of eliginility under section 262 (2) of the Government of India Act. 1935 will have to be issued in their favour. This will be done by this Deptt. when P.W.D. furnishes particulars about such candidates to him Deptt.

2. The pps. may be passed on to F.D.

The full name, have of the state to whi the candidate belongs date of apptd for to which appoin and date of birth.

Id/-
26/10/48.

Id/-
26/10/48.

Id/-
27/10/48.

ADS/-

2963/36/61123.

FINANCE DEPARTMENT.F

This Department may concern in the P. & S.D. view and restrictions re: relaxation for a period of two years in the present case. The papers may be ret returned to the P.W.D.

Id/-
30/10/48.

Id/-
3/11/48.

Id/-
30/10/48.

U.O.R. to the P.W.D. dated 3/11/48.

F.B.(II). P.W.D.

Submitted.

2. The P and S.D. and F.D. have agreed to the relaxation of domicile requirement for recruitment f posts of overseers for a period of two years.

3. The draft put up may issue, if approved.

Id/-
9/11/48.

Id/-
10/11/48.

ADS/-

9963/36.
3746.

E.B.(I).

At present the recruitment of tempy. Dy. Engrs. in this Deptt. is ordinarily restricted to those who are domicile in this Province. The S.E., Karanatak Irrigation Circle, in his letter ~~xxx within xxxxxxxxxx xxxxxx~~ recommends that this restfiction may be relaxed in favour of the Mysorian graduate Overseers of his Circle who are applying for the posts of tempy. Deputy Engineers, recently advertised. At the same time the S.E. also states that he will not be able to relieve them if they are selected for the posts of Dy. Engrs. unless similar graduate overseers are posted to his Circle in their place.

2. Appointment of overseers is made by the S.Es. themselves direct without refce. to Govt.

3. It is for orders which reply, if any, should be given to the S.E.

Thro' E.B.(II).

Id/-
14/3/48,

Id/-
14/3/49.

Restriction regarding the domicile may not be relaxed in the case of Mysore graduates so far as the posts of Dy. Engrs. (or En. Engrs) are concerned.

Id/- 16.3.49 See (1)

Id/- 16.3.49 See (2&3)

P & S.D. must be consulted before

Ld 17/3.

U.O.R. to P. & S.D.

U.O.R. to the P. & S.D. dated the 18/3/49.

ADS/-

The restrictions about domicile operate only at the time of entry into Govt. service and once a person who is not domiciled in this Province is appointed under this Govt. unconditionally by relaxing the domicile requirement in his favour)(i.e. without specifying that the relaxation is only for certain appointments) he is to be treated as on a par with the natives of this Province for any other appointment. Accordingly the Mysorean Overseers who have been made eligible unconditionally for a pointment as permanent Overseers are entitled to be treated as on par with the natives of this Province for direct appointment to posts of Dy. Engineers and the restrictions ~~in the former~~ about domicile does not operate against them. Accordingly the question of relaxing the restriction in their favou does not arise and the presumption made by the Supdtg. Engr. Karnatak Irrigation Circle, in his letter dated the 15.1.49 is correct.

As regards the Supdtting Engrs. observation regarding his inability to spare the Overseers from his Circle, the point is primarily for the administrative Deptt. concerned, viz, P.W.D. to consider. So far as P&SD can see, since the authority competent to forward the applications of the Overseers is the Supdting Engineer himself, it is for him to decide whether or not they can be spared and then either forward the application or withhold them according as he considers whether or not they can be spared.

Id/- 24.3.49 Id/- 25/3/49

u.o.r. to P.W.D. dt. 26.3.49.

E. B. (I)

Submitted with refce. to u.o.r. dated the 18.3.1949.

2. For the reasons stated by it in its u.o.r., the P. & S.D. considers that the restriction about domicile does not operate against the Mysorean Overseers in question and that the question of relaxation of the restriction in their favour does not arise.

3. As regards the S.E.'s inability to spare the Overseers that Deptt. observes that the S.E. himself is the competent authority to decide whether their applications should be forwarded or not, according as he considers whether their service can be spared or not. This is however a point primarily for this Deptt. to decide.

4. This Deptt. may perhaps agree with the views of the F.&S.D. in para. 3 above. If so, the draft put up may issue.

(Thro. E. B. (II)

Id/- 26.4.49

Reply as proposed in para 3 of the draft letter at p. 11 of C.S. is rather late as the date of sending the applications for the Dy. Engrs. posts has already passed. In fact even the recommendations of the P.S.C. have been received. The reply as proposed may however be issued as it may be of guidance in future.

Id/- 26.4.49 - Sec (I)

Id/- 27.4.49 Sec (R&B)

ADS/-

P. & S.D. 1586/46/20230/39400.

No. 547.

Bombay Public Service Commission,
P. W. D. Secretariat,
Bombay, 26th April 1949.

From

The Secretary,
Bombay, Public Service Commission.

To

The Chief Secretary to the Government of Bombay,
Political and Services Department, Bombay.

Sir,

I am directed to say that recently the Commission had occasion to recruit candidates for the posts of Deputy Engineers in the Public Works Department vide the Commission's letter to the Public Works Department, No.374 (1)-II/(2), dated the 21st April 1949. Out of t the 50 candidates selected by them, as many as 15 candid ates happen to be natives of Mysore state and ordinarily they would not have seen selected but for the facts that they are already working in the Bombay Publi Works Department as Overseers for some time and the Government has issued orders for the relaxation of the condition of domicile in their case vide Public Works Department letter No.9963/36-E(ii), dated/the 9th December 1948, to the Superintending Engineer, Special investigation Circle, Dharwar, copy enclosed for ready reference. It is very likely that when these Mysorean officers were first appointed to service in the Bombay Public Works Department, that Departments need for men was very pressing and could not be met if selectio

were.....

were confined to persons of Bombay domicile. The appointments were also temporary and therefore there was no serious objection to relaxation of the domicile condition. But the Public Works Department letter above referred to is now adduced by these Mysoreans in support of a claim of eligibility to the posts of Deputy Engineers. Strictly speaking that letter would only support a claim to permanent appointment as Overseer and not to promotion from that post. But the present was not an occasion of Deputy Engineer posts being filled by promotion but by direct recruitment for which men in the Department could apply just like outsiders. The Commission are not clear whether it was the intention of Government when the orders underlying the Public Works Department letter were issued to permanently and for all purposes place these Mysorean officers on a par with men of Bombay domicile. The Commission are inclined to think that such concessions to outsiders are unfair to candidates belonging to our own Province because there is no reciprocity in this matter between Province and Province. Moreover, the Commission have been informed by some of the Mysorean candidates that they could not get into the Madras Engineering Service solely because they were Brahmins. If this be correct, when the concession granted by the Bombay Government to persons who have a legitimate right to seek employment under the Madras Government is only encouraging the particular communal policy adopted by that Government. Recently it was stated in the legislature of out Province on behalf of the Government that a certain proportion of vacancies in the Services would be reserved for Backward Classes. There can be no reasonable objection to such a policy in

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the present circumstances of the Province. But the direct result of the concession promised to the Mysorean officers operating along with the Provincial Government's declaration to reserve a certain percentage of the posts for Backward Classes and another percentage for displaced personnel from Pakistan would be to reduce the posts available to our Advanced Classes still further.

The Commission, therefore, request that this aspect of the case may be placed before Government for their consideration.

Yours faithfully,

Sd/- H.D.Warden.

Secretary,

Bombay, Public Service Commission.

Political and Services Department.

SD Branch.

The position as stated by the Commission in regard to the effects of the recruitment of extra-provincial candidates to services under this Government is correct. Similarly their anxiety to see that the interests of the natives of this Province so far as recruitment to Government service concerned are not adversely affected is understandable. It is also the policy of this Government to see that as far as possible only the natives of this Province are recruited to all services under this Government and that

the.....

the outsiders are recruited only when suitable candidates from this Province are not available. This policy is n being strictly followed and even when proposals are received from other Departments occasionally to make an exception from this policy in respect of certain appointments the proposals are examined with meticulous care by this Department and relaxation is made only when it is clear that it is absolutely necessary in the interests of the services to recruit extra-Provl. candidates. Of course a general relaxation had to be made in favour of the displaced persons owing to the force of circumstances and they were to be treated on a par with the natives of this Province but this was for reasons beyond the control of anybody.

2. It will be seen from the foregoing that the policy of this Government which is being scrupulously followed is exactly as desired by the Commission. The case of the Mysorean Overseers which had been referred to by the Commission and which has occasioned the present reference from that body is one of the cases of relaxation of the policy made in the interests of public service. It is a matter of common knowledge that there has been an acute shortage of Engineering Personnel for the last so many years with the result that Government had had to resort various expedients and make relaxation of many rules to obtain the requisite personnel, for manning the Engineering posts (Govt. had even to raise, the maximum age-limit to 50 years) This shortage was felt intensely during the war period. It was during this.....

this particular period that for want of suitable personnel from this Province Government was forced to recruit the Mysorean Overseers. At the time of recruitment they were taken up purely on a temporary basis and the intention was to replace them by candidates from this Province as and when suitable persons became available.. However, with the lapse of time Government's needs for Engineering personnel increased consequent on the launching of several development programme with the result that it was not only possible to replace these Mysorean Overseers but Government is finding it difficult to meet its other requirments. These requirements have some how to be met by granting extension to superannuated Engineers and re-employing retired officers. In the meantime the then Mysorean Overseers who had been recruited on a tempy. basis and whom it was intended to replace by candidates from this Province in due course precipitated a crisis by threatening to resign unless they were made eligible for permanent appointment. Their contention was that it was impossible for them to continue temporarily for an indefinite period and they would prefer to go elsewhere where they could be taken up permanebtly. In view of this and in view of the difficulty in replacing them, Government had perforce to agree to make them eligible for permanent appointment by issuing a declaration in their favour under section 262(2) of the Government of India Act, 1935. The declaration being general makes them eligible for appointment to a

now

to any post under this Government and by virtue of this they automatically become eligible for appointment to the posts of Dy. Engineers if they are selected by the P.S.C. and there is no question of admitting them or excluding them from these posts. This aspect of the question was examined at great length by this Department on P.W.D. papers and it was as a result of this that the P.W.D. letter dated the 9-12-48, a copy of which is forwarded by the P.S.C., with its letter under submission was issued.

3. It will be remembered in this connection that recently the P.W.D. had come up to this Department with a proposal to authorise the Superintending Engineers etc. to recruit extra-provl. candidates to posts of Overseers on a temporary basis. But in view of the experience gained in connection with the recruitment of the Mysorean Overseers, this Department has not agreed to the P.W.D. proposal. This will show that even apart from the Commission's suggestion this Deptt. is alive to the situation to which the Commission has so pointedly drawn the attention of Government.

4. This note may, if approved, be shown u.o. to the Secretary, Public Service Commission with a request to place t before the Commission for its information with reference to its letter dated the 26th April 1949. Before, however, this is done, P.W.D. may see, the pps. u.o. for remarks, if any.

Id/- 14/6/49. As at 'A' just. Id/- 15/6/49. Id/- 16/6/49.

U.O.R. to P.W.D. dated 16th June 1949.

No.....

ADS/-

P. & S.D. 1886/46/20230.
39400.

E.B.(I). P.W.D.

The foregoing P. & S.D. note has explained the position fully. Relaxation of the condition regarding domicile had to be made in favour of the Mysorean Overseers in view of the acute shortage of technical staff in the Deptt. These persons were taken up purely as a temporary measure and were to be replaced in due course by local men. This, however, could not be done as suitable men were not coming forth and even a large number of existing vacancies has remained unfilled. In the meanwhile, owing to the increasing demand for technical personal everywhere, the Mysorean graduates became restive and, with no prospect of permanency in this Deptt., began to resign one after another for better prospects elsewhere, ~~the Mysorean graduates became restive and, with no prospect of permanency in this Deptt., began to resign one after another for better prospects elsewhere.~~ Govt. was therefore, faced with the possibility of losing all these experienced men without being able to replace them. It was in these circumstances that the condition of domicile was relaxed and the My sorean Overseers were made eligible for appointment as permanent Overseer This cannot be said to have affected the interests of candidates of this Province since several vacancies of Overseers in this Deptt. have still remained unfilled.

2. Having made the Mysorean graduates eligible for permanent appointments as Overseers, Govt. could not.....

not debar them for applying for posts of Dy. Engrs. since the condition regarding domicile must operate only at the time of their entry into service and thereafter, as Govt. servants they are eligible for any other post under this Government. Even here they have not affected the interests of local candidates since there is a shortage of officers too among Engineering personnel. The Commission must be fully aware of this situation from the response they receive when posts of Dy. Engrs. are advertised. In 1948, for instance, when the Commission had advertised a large number of posts of tempy. Dy. Engrs. there were hardly as many applicants as there were posts and they were able to recommend only 116 names against the 270 required.

3. It will therefore, be seen that by relaxing the condition of domicile in the case of these Mysorean graduates Govt. has only gained and not lost, without at the same time adversely affecting the interested of candidates of this Province. It is hoped that this policy will have to be followed for a few years only and that, with the starting of more Engineering Colleges in the Province, the shortage of technical personnel will soon be met and there will be no need to make such relaxations of recruitment conditions.

Thro' H.B.(II).

Id/- 1/7/49.

Id/- K.V.J(oglekar), 4/7/49.

Id/- 4/7/49.

Id/-N.P.G(urjar), 5/7/49.

Issued 12

Id/-B.S.V(yas), 5/7/49.

Urgent.

U.O.R. to the P. & G.D. dated the 11th July

G[illegible] K., (J) H] 11--1,00/809-10-54.
G. R., M] L, G[illegible] D., No] 2820/33. dated 20-12-[illegible]18.]

Bestt. Slip 58 cl

SEPARATOR

Dharwar, 4th Oct. 1948.

To

The Superintending Engineer,
Special Investigation Circle,
Dharwar.

Sir,

I have put in nearly 2.1/2 years of service as temporary overseer but my position continues to be insecure. In regard to selection of officers, such bodies as the B.P.S.C. have invited applications from none but the natives of Bombay Province. Added to this the Government have forbidden me from applying for outside jobs.

Keeping me indefinitely on the temporary establishment and at the same time disallowing me from sending my applications for jobs, elsewhere, seriously hamper my career.

I therefore feel compelled to resign my present post of temporary overseer today the 4th of October before noon.

Please arrange to relieve me on 3rd of Nov. 1948 afternoon.

Yours faithfully,

Sd/- A.V.Shankar Rao,
4/10/48 B.N.

Through proper channel.

"True Copy"

Sd/-
Head Clerk
to the Supdg. Engineer, S.I.C.

Below application dated the 4th October 1948 from Mr. A.V.Shankar Rao, Temporary overseer, tendering resignation of his post held by him in this Circle.

No. G-40. Office of the Superintending Engineer,
Special Investigation Circle,
Dharwar, 10th October 1948.

Copy forwarded, with compliments, to the Secretary to Government, P.W.D., Bombay, for favour of information.

2. A resignation on these lines is received also from the four following out of 10 temporary Mysorian overseers employed in this Circle:-

1. Mr. H.B.Shrinivas Rao, D.C.E.
2. " B.S.Rama Murthy, B.E.,
3. " A.B.Chandrasekhar Iyer, B.E.
4. " S.R.Suryanarayan Sastry, B.E.

They are being relieved on enquiry of the period of notice.

Similar resignations from the remaining 5 Mysorian overseers are expected shortly.

Sd/-

Superintending Engineer,
Special Investigation Circle.

ADS/-

Letter. 61123.

No.9963/36-E(II). P.W.D.

B.C., 9th December.

To

The S. E., Special Investigation Circle.

Sub:- Resignations of temp. Mysorian Overseers.

Ref:- Your endt. No. G,40, dt. the 10-10-48.

2. In respect of the tempy. Overseers who are natives of the Mysore State and are at present employed under you, Govt. is pleased to relax the condition of domicile for purposes of their apptts. as permanent overseers. The claims of these persons for permanent apptt. will, however, be considered along with other tempy. Overseers as and when pemt. vacancies occur. You are requested to inform the Overseers accordingly and submit information in each case to issue a declaration of eligibility under Sec. 262 (2) of the Govt. of India Act, 1935, in their favour. The following particulars about each candidate should please be furnished:-

(1) Name in full.

(2) Date of Birth.

(3) Place of Birth.

(4) Date of apptt.

(5) Post to which appointed.

3. In view of the existing shortage of technl. subordinates, Govt. will also consider relaxing the condition of domicile for recruitment to the post

of,.....

of Overseers, in respect of the Natives of the Mysore State during the next two years. You are accordingly requested to submit proposals each time ~~for~~ such necessity arises for the consideration of Govt.

By order of the Governor of Bombay,

D.A.-Nil.

Copy to -

the P. & S.D.,

the A.G., Bombay,

for information.

Copies to -

the El. Commr. with the Govt. of Bombay,

the other S.Es. of Circles,

the P.H.E. to Govt.,

for information and guidances.

Id/-.
20/11/48.

Id/-
30/11/48.

ADS/-

Letter.

No.9963/36-E(II).

Public Works Department,
Bombay Castle, 9th December 1948.

To

The Superintending Engineer, Special Investigation Circle.

Subject:- Resignations of temporary Mysorian Overseers.

Reference:- Your endorsement No.G.40, dated the 10th October 1948.

2. In respect of the temporary Overseers who are natives of the Mysore State and are at present employed under you, Government is pleased to relax the condition of domicile for purposes of their appointments as permanent Overseers. The claims of these persons for permanent appointment will, however, be considered along with their other temporary Overseers as and when permanent vacancies occur. You are requested to inform the Overseers accordingly and submit information in each case to issue a declaration of eligibility under Section 262(2) of the Government of India Act, 1935, in their favour. The following particulars about each candidate should please be furnished:-

(1) Name in full.

(2) Date of Birth.

(3) Place of Birth.

(4) Date of appointment.

(5) Post to which appointed.

3. In view of the existing shortage of technical

subordinates,....

subordinates, Government will also consider relaxing the condition of domicil for recruitment ~~x~~ to the post of Overseers, in respect of the Natives of the Mysore State during the next two years. You are accordingly requested to submit proposals each time such necessity arises, for the consideration of Government.

By order of the Governor of Bombay,

Sd/-
A. G. Maydeo,
Deputy Secretary to the Government of Bombay,
Public Works Department.

D.A.- Nil.

Copy to -
the Political and Services Department,
the Accountant General, Bombay,
~~for~~ for information.

Copies to -
the Electrical Commissioner with the Government of Bombay,
the other Superintending Engineers of Circles,
the Public Health Engineer to Government,
for information and guidance.

ADS/-

No.G-38.

Office of the Superintending Engr.,
Karnatak Irrigation Circle,
Dharwar, 15th January 1949.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Advertisement calling for applications for posts of Deputy Engineers.

Reference: This office letter No.G-55 dated the 4th October 1948.

2. A number of Mysorian Graduates from this Circle are applying for these posts. I suppose and in any case recommend that they should be entertained, especially in view of --G.R. No.9963/36-E(II) dated the 9th December 1948 relaxing - conditions of domicile for permanent appointment.

3. I take the opportunity of explaining that out of the small number of graduates and overseers in this Circle, most are Mysorians and I also consider them to be fit for the posts applied for. However, I may record that I will not be able to relieve them unless other similar graduate overseers are posted to this Circle instead.

4. But for that the already poor strength of subordinates in this Circle will further dwindle and the works will be at a stand still.

Sd/-

Superintending Engineer,

Karnatak Irrigation Circle.

Letter.

No.9963/36-E(I). Public Works Department.
Bombay Castle, 27th April 1949.

To

The Superintending Engineer,
Karnatak Irrigation Circle.

Subject:- Advertisement calling for applications for posts of Deputy Engineers.

Reference:- Your letter No.G.38, dated the 15th January 1949.

2. As the restriction of domicile has already been relaxed in favour of the Mysorean Overseers in question for their appointment as permanent Overseers, it does not operate against them for other appointments under this Government. The question of relaxation of the restriction in their favour does not, therefore, arise.

3. As regards your inability to spare the Overseers, you are yourself the competent authority to decide whether their applications should be forwarded or not according as you consider whether their services can be spared or not. Powers of appointing Overseers for your Circle vest with you.

By order of the Governor of Bombay,

Sd/-
B. S. Vyas,
for Secretary to the Government of Bombay,
for Public Works Department.

D.A.-Nil.

Copy with copy of the letter replied to forwarded to -

the Political and Services Department,

the Electrical Commissioner with the Government of Bombay,

the Other Superintending Engineers of Circles,

the Public Health Engineer to Government,

the Accountant General, Bombay,

for information in continuation of Government Endorsement No.9963/36-E(II), dated the 9th December 1948.

Typed below.

Copy of letter No.G.38, dated the 15th January 1949, from the Superintending Engineer, Karnatak Irrigation Circle, to the Secretary to Government, Public Works Department, Bombay, regarding advertisement calling for applications for post of Deputy Engineers.

"Reference:- This office letter No.G-55 dated the 4th October 1948.

2. A number of My sorian Graduates from this Circle are applying for these posts. I suppose and in any case recommend that they should be entertained, especially in view of G.R.No.9963/36-E(II) dated the 9th December 1948 relaxing conditions of domicile for permanent appointment.

3. I take the opportunity of explaining that out of the small number of graduates and overseers in this Circle, most are Mysorians and I also consider them to

be....

be fit for the posts applied for. However, I mayxx record that I will not be able to relieve them unless other similar graduate overseers are posted to this Circle instead.

4. But for that the already poor strength of subordinates in this Circle will further dwindle and the works will be at a stand still."

ADS/-